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## **OLR Bill Analysis**

### **sSB 273**

#### ***AN ACT CONCERNING THE NONDISCLOSURE OF THE RESIDENTIAL ADDRESS OF SWORN MEMBERS OF A LAW ENFORCEMENT UNIT.***

##### **SUMMARY:**

This bill expands the list of people whose residential addresses (contained in an agency's personnel, medical, or similar files) are exempt from disclosure by state and local government agencies under the Freedom of Information Act (FOIA).

Current law exempts, among others, sworn state and local police officers and sworn Department of Energy and Environmental Protection (DEEP) law enforcement officers. The bill extends the exemption to any sworn member of a law enforcement unit, as defined in existing law, who is certified by the Police Officer Standards and Training Council (POST). The bill thereby exempts from disclosure, the residential addresses of sworn members of a Mashantucket or Mohegan tribal agency, organ, or department created and governed under the state-tribal memorandum (see BACKGROUND) whose primary functions include enforcing criminal or traffic laws; preserving public order; protecting lives and property; or preventing, detecting, or investigating crime.

The bill also appears to extend the exemption to certain special policemen, for example, those employed by the Department of Emergency Services and Public Protection (DESPP) to investigate public assistance fraud (see BACKGROUND).

EFFECTIVE DATE: July 1, 2014

##### **LAW ENFORCEMENT UNIT**

The bill extends the residential address exemption to sworn members of a law enforcement unit as defined in CGS § 7-294a, who

are POST-certified. This law defines a “law enforcement unit” as an agency, organ, or department (including the Mashantucket Pequot and Mohegan police departments) whose primary functions include the enforcement of criminal or traffic laws or the prevention, detection, or investigation of crime. Based on this definition, it appears that the residential addresses of POST-certified special policemen are exempt from disclosure under the bill, provided their employing agency, organ, or department provides the primary law enforcement functions outlined in the statute (see BACKGROUND).

## **BACKGROUND**

### ***State-Tribal Memorandum***

A 2013 law authorized the DESPP commissioner, upon the chief state's attorney's approval, to enter into separate memoranda of agreement with the Mohegans and Mashantucket Pequots to establish the authority of each tribe's police department and police officers to exercise law enforcement powers (PA 13-170).

### ***Residential Addresses Exempt from Disclosure under FOIA***

Under existing law, the residential addresses of the following local, state, and federal employees are exempt from disclosure by public agencies under FOIA:

1. federal and state judges, federal magistrates, and state or family support magistrates;
2. state and local police officers;
3. DEEP law enforcement officers;
4. Department of Correction employees;
5. past or present state prosecutors and public defenders;
6. social workers employed by the Division of Public Defender Services;
7. Division of Criminal Justice inspectors;

8. firefighters;
9. Department of Children and Families employees;
10. Board of Pardons and Paroles members and employee;
11. judicial branch employees;
12. Department of Mental Health and Addiction Services employees who provide direct care to patients; and
13. Commission on Human Rights and Opportunities members and employees.

### ***Special Policemen***

The law allows the DESPP commissioner to appoint people to act as special policemen and exercise police powers in certain situations. The law specifically requires some of these officials to be certified.

Following is a list of POST-certified special policemen and the state agency that employs them:

1. special policemen for state property are employed by the administrative authority of any state buildings or lands (CGS § 29-18);
2. special policemen for investigating public assistance fraud are employed by DESPP (CGS § 29-18a);
3. special policemen for Department of Revenue Services (DRS) are employed by DRS' special investigation section (CGS § 29-18b); and
4. special policemen for Department of Consumer Protection (DCP) are employed by DCP's security unit (CGS § 29-18c).

### **COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 12 Nay 0 (03/19/2014)